



PUBLIC NOTICE

Federal Communications Commission
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DA 16-370

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON
APPLICATION AND WAIVER REQUEST FILED BY THE TENNESSEE DEPARTMENT OF
SAFETY AND HOMELAND SECURITY FOR 800 MHZ BUSINESS/INDUSTRIAL/LAND
TRANSPORTATION FREQUENCY**

FCC File Number 0006812947

Comment Date: May 11 2016

Reply Comment Date: May 26, 2016

The Public Safety and Homeland Security Bureau seeks comment on a new application and accompanying request for waiver filed on May 22, 2015 by the Tennessee Department of Safety and Homeland Security (Tennessee).¹ Tennessee seeks a waiver of Sections 90.35 and 90.617 of the Commission's rules in order to license Business/Industrial/Land Transportation (B/ILT) Category channel pair 810/855.8375 MHz for statewide operation.²

Tennessee states it is looking for a channel pair it can use statewide for "simplex car to car communications" and for "tactical field operations" in connection with temporary fixed base stations.³ Tennessee indicates that it searched for a Public Safety Pool channel to use but found none available because "all 70 Public Safety channel pairs were already licensed at one or more fixed sites in Tennessee."⁴ Tennessee notes, however, that it recently conducted a search of the Commission's database and found that channel pair 810/855.8375 MHz is not licensed anywhere in Tennessee. Stating it sees no other alternative, Tennessee seeks a waiver so that it can license this channel pair for statewide use. Tennessee needs a waiver because it is only eligible to license a channel from the B/ILT Category if

¹ See FCC File no. 0006812947 (filed May 22, 2015 and amended May 27, 2015) and accompanying Letter from Arnold Hooper, State of Tennessee, Department of Safety and Homeland Security (dated May 7, 2015) (Waiver Request).

² 47 CFR §§ 90.35 and 90.617. According to the Commission's Vacated Channel Search Engine (VCSE) at http://wireless2.fcc.gov/reband800/search_basic.htm, the channel pair Tennessee seeks to license is available for licensing to public safety eligible entities at certain locations in Tennessee where it was vacated by Sprint Corporation as part of the 800 MHz band reconfiguration process but it is not available for public safety use at all locations throughout the state. See 47 CFR § 90.617(g)(1) and (2).

³ Waiver Request at 1.

⁴ *Id.*

it uses that channel for business purposes.⁵ Instead, Tennessee seeks to use channel pair 810/855.8375 MHz for public safety communications in connection with its statewide Project 25 radio system.⁶

Tennessee notes that the Boeing Company is licensed to operate on channel pair 810/855.8375 MHz in Madison County, Alabama under call sign WNZH870.⁷ Tennessee acknowledges and accepts that Boeing's operations in Madison County may cause interference to its field units when they operate near Madison County.⁸ Nonetheless, because Tennessee states it has found no viable alternative for over three years, Tennessee submits that it is willing to go forward with this channel.⁹

In support of its waiver request, Tennessee included a letter from its frequency coordinator, Association of Public Safety Communications Officials-International, Inc. (APCO), stating that APCO searched the public safety and vacated spectrum database several times and was unable to find any frequencies within the public safety or vacated spectrum pools that could be assigned at all the points Tennessee requests.¹⁰ Tennessee also includes a letter from the United Telecom Council, a B/ILT frequency coordinator, concurring with the proposed addition of frequency 855.8375 MHz.¹¹

We seek comment on Tennessee's waiver request.¹² In particular, we seek comment from any party who would be affected by Tennessee's use of this channel pair. Interested parties may file comments on or before May 11, 2016. Parties may file replies on or before May 26, 2016.

All comments and reply comments should reference the subject State of Tennessee Department of Safety and Homeland Security Waiver Request and the DA number indicated on this *Public Notice*. Comments may be filed: (1) electronically by accessing the applicant's file number(s) in the Commission's Universal Service Licensing System (ULS),¹³ or (2) by filing paper copies.

Electronic Filers: Pleadings may be submitted electronically as follows:

⁵ See 47 CFR §§ 90.35(a)(5) and 90.617(b).

⁶ Waiver Request at 1.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Letter from Judy Stone, APCO to Federal Communications Commission (dated May 12, 2015) attached to FCC File no. 0006812947 (APCO Letter).

¹¹ Letter from Kathy Garrett, UTC Spectrum Services to Federal Communications Commission (dated May 21, 2015) attached to FCC File no. 0006812947.

¹² 47 CFR § 1.925(c)(i) ("The Commission, in its discretion, may give public notice of the filing of a waiver request and seek comment from the public or affected parties.").

¹³ See *Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System to Implement Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006).

- From the ULS website at <http://wireless.fcc.gov/uls/>, begin the process of submitting a pleading by clicking on the “ULS Pleadings” link in the menu on the lower left side of the ULS web page. The link will take you to the “*Pleading Information*” screen for “Non-docketed Pleadings” where you select “Reply” in the drop-down window for the type of pleading and then enter the pleadings filer information. Completion of the contact information is optional. Upon completion of this screen, please note the instructions for the filing: “*Pleadings must be dated and must include a signature, in this instance an electronic signature, and the address and phone number of the signing party.*”¹⁴ Click on “CONTINUE.”
- The second step is to complete the *File Numbers/Call Signs* screen. Click if the pleading pertains to a File Number or Call Sign and enter the File Number or Call Sign. Please note that you must enter a File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you must enter each File Number or Call Sign as appropriate. After clicking the “SUBMIT” button, the screen will update to show all the File Numbers/Call Signs associated with the pleading. At this time, you may delete selected File Numbers/Call Signs from the page before continuing.
- The third step is to complete the *Attach File* screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The “BROWSE” button opens a file upload window where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the “ADD ATTACHMENT” button to upload your pleading. You may submit up to thirty files for each pleading but each file must be smaller than 10 MB in size. You also have the opportunity to delete any selected file from the pleading.
- Finally, to complete your electronic pleading submission, click on the “SUBMIT PLEADING” button and the *Confirmation* screen will be displayed. The *Confirmation* screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page and have the option of submitting another pleading or returning to the ULS website by selecting a link at the bottom of the page.

The ULS Application and License Search results will display pleadings under the ADMIN tab when a comment or reply comment has been filed. Users can view the pleading by clicking on the link for the specific comment or reply comment in the Description field. The general public will not be able to view confidential pleadings.

For additional information or assistance on how to file a comment or reply comment or other relevant pleading, you may visit the Web at <http://esupport.fcc.gov>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2, or (888) 225-5322 and select Option 2, or (717) 338-2888. For TTY, please call (717) 338-2824. Assistance from the FCC ULS Customer Support Center is available between the hours of 8 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls to FCC ULS Customer Support Center are recorded.

¹⁴ See 47 CFR Part 1.

Paper Filers: Parties who choose to file by paper must submit an original and four copies of each filing.

- Send hand-delivered or messenger-delivered paper filings for the Commission's Secretary to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority to 445 12th Street, SW, Washington, D.C. 20554.

The application(s), waiver request, and comments and reply comments can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the Tennessee Department of Safety and Homeland Security Waiver Request, comments and reply comments will be available for inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI. Email fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau, (voice) (202) 418-0530, (TTY) (202)-418-0432 to request materials in formats accessible to people with disabilities, e.g. Braille, large print, electronic files, audio format.

For further information regarding this proceeding contact John A. Evanoff, Attorney-Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-0848 or john.evanoff@fcc.gov.

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